REMARKS

1. Specification

The specification has been amended to provide application and patent numbers for references that were previously unavailable.

2. Claims

Claims 1 – 24 have been examined and stand rejected as anticipated by U.S. Pat. No. 6,097,859 (Solgaard"). Claim 17 has been amended to correct an informality noted by the Examiner.

Independent Claims 1, 8, and 15 have been amended. These claims now require that at least two output ports be noncoplanar, as illustrated for an embodiment in Fig. 4(a) of the application (*see* Application, p. 7, l. 26 – p. 8, l. 8). Such a characteristic is not taught or suggested by Solgaard, which instead shows all the output ports to be coplanar (*see, e.g.*, Solgaard, Fig. 1 and Col. 3, l. 65 – Col. 4, l. 1; *see also id.*, Fig. 6 and Col. ll. 24 – 27).

Claims 25 – 27 have been added. These claims cover an embodiment illustrated in Fig. 4(b) of the application (*see* Application, p. 8, ll. 10 – 20). This embodiment has an optically folded structure with all of the output ports in a common plane, but with separations from the input path being varied. In particular, Claim 25 requires that no orthogonal separations of output paths from the input path to one of the output paths be an integral multiple of an orthogonal separation from the input path to another of the output paths. For instance, in the example of Fig. 4(b), $y_{328} / y_{326} = 1.42$. In contrast, in Fig. 6 of Solgaard, which shows a folded optical structure, the optical fibers are evenly spaced so that, for example, the separation between 14c and 14a is exactly twice the separation between 14b and 14a.

Applicants additionally note that certain claims, i.e. Claims 6, 13, 24, and 27, recite linear actuation of mirrors to effect different optical configurations. Such linear actuation

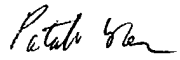
is described in further detail in U.S. Pat. Appl. No. 09/658,158, incorporated by reference in the current application (*id.*, p. 8, ll. 1 – 14). No such linear actuation is taught or suggested by Solgaard, which relies exclusively on rotational actuation with tiltable mirrors (*see, e.g.*, Solgaard, Col. 4, ll. 15 – 22).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb
60097653 v1